

## Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 OES-07 COME-00 EB-08 L-03 EPA-04  
CEQ-01 AF-10 ARA-14 EA-12 EUR-12 NEA-10 CIAE-00  
INR-10 NSAE-00 SS-15 /121 W  
-----068662 271214Z /11

R 271152Z APR 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC 8919  
INFO NOAA ROCKVILLE MD

UNCLAS SECTION 01 OF 02 GENEVA 06364

STATE FOR IO/SCT AND OES; NOAA FOR NEJOHNSON

E.O. 11652: N/A  
TAGS: WMO UNEP  
SUBJECT: WMO/UNEP INFORMAL MEETING ON LEGAL ASPECTS OF  
WEATHER MODIFICATION, APRIL 17-21, 1978

1. THE PRIMARY OBJECTIVE OF THE SUBJECT MEETING WAS TO  
CONSIDER WHETHER THE TIME WAS APPROPRIATE FOR ADOPTION OF  
A SET OF PRINCIPLES THAT WOULD BE FOLLOWED BY STATES IN  
CARRYING OUT WEATHER MODIFICATION ACTIVITIES. THIS WAS THE  
SECOND OF THESE JOINT MEETINGS OF EXPERTS. THE FIRST CAME  
TO SOMEWHAT OF A STALEMATE BECAUSE THE SCIENTISTS TAKING  
PART FELT THAT THE SCIENTIFIC AND TECHNICAL BASIS FOR  
WEATHER MODIFICATION PROGRAMS WAS TOO INSECURE TO JUSTIFY  
THE FORMULATION OF SPECIFIC PRINCIPLES OR RESTRAINTS ON  
SUCH ACTIVITIES. THEY FELT THAT IT WOULD BE DIFFICULT TO  
DEFINE THE PROSPECTS FOR, AND VERIFICATION OF, WEATHER  
MODIFICATION ACTIVITIES THAT MIGHT BE CARRIED OUT. NEVER-  
THELESS, THE UNEP SECRETARIAT, IN ITS FOLLOW-UP OF THE  
RECOMMENDATIONS OF STOCKHOLM, FELT IT WAS IMPORTANT TO  
KEEP THE SUBJECT UNDER ACTIVE DISCUSSION AND, AS PROPOSED  
BY THE WMO CONGRESS, TO DEVELOP SUCH PRINCIPLES AND GUIDE-  
LINES HAND-IN-HAND WITH THE SCIENTIFIC PROGRESS IN THIS  
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FIELD.

2. THE MAIN DISCUSSIONS WERE BASED ON A DRAFT SET OF  
PRINCIPLES PREPARED BY DR. ALEXANDER KISS OF FRANCE. A  
CAREFUL REVIEW OF THESE RESULTED IN A DRAFT RECOMMENDATION  
WHICH SUGGESTS THAT STATES CONSIDER THE PRINCIPLES GIVEN  
IN THE RECOMMENDATION WHEN CONDUCTING WEATHER MODIFICATION

ACTIVITIES. PRESUMABLY, THIS RECOMMENDATION AND ITS ASSOCIATED PRINCIPLES WILL BE REVIEWED BY BOTH THE UNEP GOVERNING COUNCIL AND THE WMO EX. COM., ALTHOUGH SUCH ACTION WAS NOT SPECIFICALLY REQUESTED IN THE REPORT. THE DEPARTMENT MAY WISH TO CONSIDER WHAT ULTIMATE STATUS SUCH PRINCIPLES SHOULD HAVE AND WHAT FURTHER REVIEW SHOULD BE GIVEN THEM.

3. ONE OF THE MOST INTERESTING OF THE PRINCIPLES, AS ORIGINALLY DRAFTED, WAS TO THE EFFECT THAT THE EARTH'S ATMOSPHERE SHOULD BE CONSIDERED AS A COMMON HERITAGE OF MANKIND. THIS PROVOKED MUCH DISCUSSION, WHICH REVEALED THAT SUCH A BROAD AND GENERAL PRINCIPLE WAS NOT READILY APPLICABLE TO THE ATMOSPHERE AND COULD IMPLY GLOBAL RESPONSIBILITY OVER THE ACTIVITIES OF ANY PARTICULAR STATE WITH RESPECT TO THE ATMOSPHERE OVER ITS TERRITORY. A SUBSTITUTE WORDING APPEARED TO SATISFY BOTH THE METEOROLOGICAL CONCERNS AND THOSE OF THE LEGAL EXPERTS. BECAUSE OF ITS UNIQUE RENDERING OF THE "COMMON HERITAGE" PHILOSOPHY, THIS PRINCIPLE IS GIVEN HERE IN FULL QUOTE: "THE ATMOSPHERE IS A GLOBAL RESOURCE WHOSE PROTECTION AND USE IS THE LEGITIMATE CONCERN OF THE INTERNATIONAL COMMUNITY."

4. OTHER PRINCIPLES DEAL WITH SUCH SUBJECTS AS: RESTRICTION OF WEATHER MODIFICATION TO PEACEFUL PURPOSES; EXCHANGE OF INFORMATION ON SUCH ACTIVITIES; TIMELY NOTIFICATION OF PROSPECTIVE ACTIVITIES; ASSESSMENT OF ENVIRONMENTAL IMPACT; UNCLASSIFIED

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AVOIDANCE OF ADVERSE ENVIRONMENTAL EFFECTS IN AREAS OUTSIDE THEIR NATIONAL JURISDICTION; CONSULTATION WITH STATES LIKELY TO BE AFFECTED; MONITORING OF WEATHER MODIFICATION ACTIVITIES; COOPERATION IN THE DEVELOPMENT OF LEGAL PRINCIPLES AND GUIDELINES.

5. SEVERAL PRINCIPLES THAT HAD BEEN PRESENTED WERE NOT ACCEPTED BY THE JOINT MEETING. ONE OF THESE WAS BASED ON AN EXTRACT FROM THE UN ENVIRONMENTAL MODIFICATION TREATY REGARDING RESTRICTIONS ON ANY ACTIVITIES THAT COULD HAVE "LARGE-SCALE, LONG-LASTING OR SEVERE EFFECTS." THE GROUP FELT THAT THE STATE OF THE ART DID NOT PERMIT APPLICATION OF SUCH RESTRICTIONS. ALSO, THEY REJECTED AT THIS STAGE A PRINCIPLE THAT WOULD REQUIRE NEGOTIATIONS REGARDING LIABILITY AND COMPENSATION. THEY ALSO DECIDED NOT TO ADOPT PRINCIPLES DEALING WITH EMERGENCY SITUATIONS THAT MIGHT ARISE FROM WEATHER MODIFICATION ACTIVITIES.

6. IN ADDITION TO THE ADOPTION OF DRAFT PRINCIPLES, THE MEETING ALSO FELT THAT LICENSING OF WEATHER MODIFICATION OPERATORS AND OFFICIAL AUTHORIZATION AND REGISTRATION OF WEATHER MODIFICATION PROJECTS WOULD BE USEFUL TOOLS FOR

CONTROL OF SUCH ACTIVITIES.

7. THE JOINT MEETING TOOK ADVANTAGE OF THE FACT THAT THERE WAS A WORKSHOP OF THE US ADVISORY COMMITTEE ON WEATHER MODIFICATION SITTING IN GENEVA AT THE SAME TIME. A COMBINED MEETING OF THE TWO GROUPS WAS HELD FOR ONE AFTERNOON AND PROVED TO BE EXTREMELY USEFUL ON BOTH SIDES. IT SEEMED TO RESTORE A BETTER BALANCE BETWEEN THE CONCERNS OF THE SCIENTISTS AND THE ENTHUSIASM OF THE LEGAL EXPERTS FOR ADOPTING INTERNATIONAL PRINCIPLES AND GUIDELINES IN THE NEAR FUTURE.

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CEQ-01 AF-10 ARA-14 EA-12 EUR-12 NEA-10 CIAE-00

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INFO NOAA ROCKVILLE MD

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8. IT WAS STATED IN CONVERSATION BY THE UNEP REPRESENTATIVE THAT HE WOULD PROPOSE THAT UNEP CONVENE LATE IN 1978 OR EARLY 1979 AN INTERGOVERNMENTAL MEETING TO REVIEW AND ADOPT INTERNATIONAL PRINCIPLES ALONG THE LINES DEVELOPED BY THE JOINT MEETING OF EXPERTS. THE POSSIBILITY OF SUCH A PROPOSAL ARISING AT THE UNEP GOVERNING COUNCIL SHOULD BE TAKEN INTO ACCOUNT IN THE DEPARTMENT'S PREPARATIONS FOR THAT SESSION. VANDEN HEUVEL

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## Message Attributes

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